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Attorneys for Plaintiff  
NETAPP, INC.,

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.  
  
Plaintiff,  
  
v.  
  
SUN MICROSYSTEMS, INC.  
  
Defendant.

Case No. 3:07-CV-06053-EDL

**DECLARATION OF DEREK C. WALTER  
IN SUPPORT OF NETAPP'S OPENING  
CLAIM CONSTRUCTION BRIEF**

1 I, Derek C. Walter, declare:

2 1. I am a member of the Bar of this Court and an associate at the law firm of  
3 Weil, Gotshal & Manges LLP, counsel of record for the Plaintiff Network Appliance, Inc.  
4 (“NetApp”), in this case. If called upon as a witness, I could competently testify to the truth of  
5 each statement herein.

6 2. Attached as Exhibit A to this Declaration is a true and correct copy of U.S.  
7 Patent No. 5,925,106.

8 3. Attached as Exhibit B to this Declaration is a true and correct copy of U.S.  
9 Patent No. 5,459,857.

10 4. Attached as Exhibit C to this Declaration is a true and correct copy of U.S.  
11 Patent No. 5,749,095.

12 5. Attached as Exhibit D to this Declaration is a true and correct copy of U.S.  
13 Patent No. 6,873,630.

14 6. Attached as Exhibit E to this Declaration is a true and correct copy of  
15 Amendment A, Dec. 22, 1997 (‘106 File History).

16 7. Attached as Exhibit F to this Declaration is a true and correct copy of  
17 excerpts of *Microsoft Press Computer Dictionary, 3d Ed.*, Microsoft Press (1997).

18 8. Attached as Exhibit G to this Declaration is a true and correct copy of  
19 excerpts of Pfaffenberger, *Webster’s New World Dictionary of Computer Terms, 8th Ed.*, IDG  
20 Books (2000) containing certain pages as produced by Sun Microsystems Inc.

21 9. Attached as Exhibit H to this Declaration is a true and correct copy of D.  
22 Crouch, *The Rising Size and Complexity of the Patent Document*, Legal Studies Research Paper  
23 Series, Research Paper No. 2008-04, Univ. of Mo. School of Law, p. 4 (2008), available at  
24 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1095810](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1095810).

25 10. Attached as Exhibit I to this Declaration is a true and correct copy of David  
26 Dale, *The Road to 10-Gigabit Ethernet* (2006).

27 11. Attached as Exhibit J to this Declaration is a true and correct copy of  
28 Berners-Lee, “Uniform Resource Locators (URL),” RFC 1738 (1994).

1           12. Attached as Exhibit K to this Declaration is a true and correct copy of  
2 Mockapetris, "Domain Names – Concepts and Facilities," RFC 1034 (1987).

3           13. Attached as Exhibit L to this Declaration is a true and correct copy of  
4 Berners-Lee et al., "Hypertext Transfer Protocol – HTTP/1.0" Internet Draft, Feb. 19, 1996.

5           14. Attached as Exhibit M to this Declaration is a true and correct copy of  
6 Fielding et al., "Hypertext Transfer Protocol – HTTP/1.1" Internet Draft, Jan. 19, 1996.

7  
8 Dated: July 8, 2008

Respectfully submitted,

9  
10 /s/ Derek C. Walter

11 Matthew D. Powers  
12 Edward R. Reines  
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